IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29083 of 2007(K)

PETITIONERS:

1. MARY, AGED 72 YEARS, W/O.LATE JOSEPH, RESIDING AT CHENGINIMATTOM, CHALAKUDY, TRICHUR DISTRICT

2. VALSA VARGHESE, AGED 46 YEARS, W/O.VARGHESE, RESIDING AT KALOOKARAN HOUSE, ANGAMALY, ERNAKULAM.

3. OMANA CHARLES, AGED 45 YEARS, W/O.CHARLES, RESIDING AT MANJAALI HOUSE, KALADI, ERNAKULAM.

4. SHOBI CHERIYAN, AGED 44 YEARS, W/O.CHERIYAN, RESIDING AT PALATHARA HOUSE, ERAMALOOR, CHERTHALAI, ALAPUZHA DISTRICT.

5. MOLY STEPHEN, 40 YEARS, W/O.STEPHEN, RESIDING AT VALLACHIRAKKARAN HOUSE, CHERPU, TRICHUR DISTRICT.

BY ADV. SRI.E.G.GORDEN
SRI.N.SAJAN ANTONY
SRI.S.K.PREMJITH MENON
SRI.G.ANOOP MOHAN

RESPONDENTS:

1. CHALAKUDY MUNICIPALITY, REPRESENTED BYIT S SECRETARY, CHALAKUDY MUNICIPALITY, CHALAKUDY.

2. DISTRICT COLLECTOR, TRICHUR DISTRICT, TRICHUR REPRESENTED BY GOVT.PLEADER.

3. STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO LOCAL ADMINISTRATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

R1 BY ADV. SRI. M.P.ASHOK KUMAR, SC.
R2 & R3 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 29083 OF 2007

Dated this the 9th day of October, 2007

JUDGMENT

Apparently, Ext.P4 is an order passed by the Municipality under Section 408 of the Municipalities Act. In terms of Section 506 of the Municipalities Act, orders like Ext.P4 are appealable. I relegate the petitioner to that remedy. It is open to the petitioner to challenge the jurisdictional competence of the Secretary of the Municipality to pass Ext.P4, before the Tribunal.

PIUS C. KURIAKOSE, JUDGE

btt